

REMARKS

I. Overview

These remarks are set forth in response to the Final Office Action and in connection with the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. Presently, claims 1 through 29 are pending in the Patent Application. Claims 1, 10 and 20 are independent in nature. In the Non-Final Office Action, the Examiner has rejected claims 11-20 under 35 U.S.C. § 101 and, in response, the Applicants have amended claim 11 as requested by Examiner. The Examiner further has rejected claims 1, 10-11 and 20-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0254792 by Busayapongchai et al. (Busayapongchai), and the Examiner has rejected 2-5, 12-15 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai in view of U.S. Patent No. 6,269,336 to Ladd et al. (Ladd).

Yet further, the Examiner has rejected 6-8, 16-18 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai in view of U.S. Patent No. 6,341,959 to Wen et al. (Wen). Finally, the the Examiner has rejected 9, 19 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai and Ladd in view of U.S. Patent No. 6,915,254 to Heinze et al. (Heinze). In response, the Applicants have amended claims 1, 11 and 21 to address the nature of the "audio recordation plan" of Applicants' invention and the supporting illustrative embodiment of an audio recordation plan in Figure 2 of Applicants' specification.

II. The Applicant's Invention

The Applicants have invented a method and system of identifying and optimizing audio segments in a speech application program. In the Applicants' invention, audio segments are identified and extracted from a speech application program. The audio segments containing audio text to be recorded are then optimized in order to facilitate the recording of the audio text. The optimization of the extracted audio segments may include accounting for programmed pauses and variables in the speech application code, identifying multi-sentence segments and the presence of duplicate audio segments, and accounting for the effects of co-articulation.

III. The Rejections on the Art

A. Characterization of Cited Art

Busayapongchai relates to methods and systems for automating the assembly or creation of audio files for providing to listeners or for use in voice interactive services are provided. In Busayapongchai, a voice application script is prepared and text associated with a desired audio file statement is inserted in the voice application in place of an audio file name. A recording manager software program passes the voice application script to an Extensible Markup Language (XML) parser that locates audio file tags in the voice application script. The XML parser extracts voice properties, if any, for each found audio tag, such as age and gender properties. The XML parser extracts the **text string**, and the recording manager software module passes the text string and associated properties in a database query to an audio file recording library database for locating an audio file matching the text string and properties. If a matching audio file or combination

of audio files is located, a file name for the located file or files may be populated into the voice application script so that upon execution of the voice application script, the located audio file will be called by the script for presentation to a user or for use in a voice interactive services system.

B. Argument

Examiner's articulate reasoning set forth on pages 3 and 4 of the Final Office Action refer to Busayapongchai, paragraphs [0028-0031] and [0039] in support of the notion that Busayapongchai teaches the processing of an extracted audio segment to create an audio text recordation plan as recited in Applicants' claims 1, 11 and 21. It is true that audio text is extracted from VXML script in Busayapongchai and it is further true as Examiner observes that in Busayapongchai, when a suitable audio file cannot be found for extracted text, a manual audio recordation can be performed to produce a suitable audio file. Specifically, it is stated in paragraph [0039] of Busayapongchai, "if the developer does not find the combination of located audio file references acceptable or otherwise satisfactory...a manual development process may be performed by the developer."

Applicants have amended claims 1, 11 and 21 to clarify that an audio recordation plan is "a file of planned audio segments and corresponding file names of recorded audio files of the planned audio segments" as described in connection with Applicants' Figure 2 on paragraph [0024] and paragraph [0025] of Applicants' specification. Busayapongchai-particularly paragraph [0039] of Busayapongchai does not contemplate the use, creation or maintenance of an audio recordation plan as set forth in amended claims 1, 11 and 21.

Rather, at best paragraph [0039] refers to the identification of audio text for which a new recording must be made. The use of an "audio recordation plan" as described in paragraph [0024] of Applicants' specification, can be used advantageously by a teleprompter program designed to display text for recording and saving the recording as a file.

Finally, Applicants recognize Examiner's suggestion with respect to the rejections under 35 U.S.C. § 101 and have adopted Examiner's claim amendment proposed for claim 11. Notwithstanding, Applicants have not amended the dependencies of claim 11 in that the use of the term in the preamble of each of the dependencies of "computer readable storage medium" provides unquestionable reference to claim 11 which is admittedly statutory and therefore the inclusion of the term "non-volatile" is not required for each of the dependencies.

IV. Conclusion

The Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 101, 102(e) and 103(a) owing to the amended claims and the foregoing remarks. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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/Steven M. Greenberg/

Attorney at Law, Reg. No.: 44,725
Attorney for Applicant(s)
Carey, Rodriguez, Greenberg & Paul, LLP
950 Peninsula Corporate Circle, Suite 3020

Boca Raton, Florida 33487

Customer No. 46322

Tel: (561) 922-3845

Fax: (561) 244-1062